

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD LAFFIN,

Plaintiff,

ORDER

- against -

No. 19-CV-6350 (CS)

METRO-NORTH RAILROAD,

Defendant.
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Seibel, J.

On August 26, 2019, the parties in the above-captioned case appeared before me for an initial conference, (Minute Entry dated 8/26/2019), and I signed a Case Management Plan setting discovery deadlines, (*see* Doc. 12). On November 26, 2019, the parties jointly submitted a motion requesting a 90-day extension for all deadlines set at the initial conference. (Doc. 13.) That same day, I granted the extension and directed Plaintiff’s counsel to “promptly submit a proposed Amended Case Management Plan and Scheduling Order.” (Doc. 14.)

On February 7, 2020 – 73 days later – Plaintiff’s counsel submitted an Amended Case Management Plan proposing discovery deadlines well beyond the 90-day extension I granted. (Doc. 15.) For example, the new deadline for service of Requests to Admit would be 311 days later than the original deadline. (*Compare* Doc. 12 at 2, *with* Doc. 15 at 1.) The fact discovery cutoff is extended 161 days and the expert discovery deadline 178 days. (*Compare* Doc. 12 at 1-2, *with* Doc. 15 at 1-2.) Further, the Amended Case Management Plan does not propose new deadlines for the additional discovery provisions in the original Case Management Plan. (*Compare* Doc. 12 at 5, *with* Doc. 15.)

Not only did counsel ignore my November 26, 2019 Order by failing to promptly submit an Amended Case Management Plan, but the parties have given themselves extensions far exceeding

the 90 days granted in my Order.¹ While I am tempted to hold the parties to the deadlines in the original Case Management Plan, I will allow them the 90-day extension granted on November 26, 2019, provided that Plaintiff's counsel submits by Tuesday, February 11, 2020, a proper Amended Case Management Plan in which no deadline extends 90 days past the deadlines set in the original Case Management Plan.

SO ORDERED.

DATED: February 10, 2020
White Plains, New York


UNITED STATES DISTRICT JUDGE

¹ I cannot imagine what innocent explanation exists for this conduct, but if there is one, I would be happy to hear it. Otherwise, it looks like counsel were trying to pull a fast one.